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10 *Attorneys for Plaintiffs United Natural Foods West, Inc. and United Natural Foods, Inc.*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 In re

14 Civil Case No. 23-cv-01297-GMN

15 AFFINITY LIFESTYLES.COM, INC.,

16 Received via Transmittal from Bankruptcy
17 Case No. BK-S-21-14099-NMC

18 Debtor

19

20 UNITED NATURAL FOODS WEST, INC.
21 and UNITED NATURAL FOODS, INC.,

22 Adv. Pro. No. 23-01106-NMC

23 Plaintiffs,

24 Hon. Gloria M. Navarro

v.

25 REAL WATER, INC., AFFINITY
26 LIFESTYLES.COM, INC., REAL WATER OF
27 TENNESSEE, LLC, SENTINEL INSURANCE
28 COMPANY, LIMITED, GREAT AMERICAN
INSURANCE GROUP, PEERLESS
INDEMNITY INSURANCE COMPANY,
WEST AMERICAN INSURANCE
COMPANY, and OHIO SECURITY
INSURANCE COMPANY,

Defendants.

29 **DECLARATION OF JOSHUA Q. JAMIESON**

30 **IN SUPPORT OF PLAINTIFFS' MOTION TO CONSOLIDATE**

31 **RELATED PROCEEDINGS AND ESTABLISH COMBINED BRIEFING**

32 **SCHEDULE, OR, IN THE ALTERNATIVE, TO STRIKE UNSERVED PAPERS**

33 I, Joshua Q. Jamieson, hereby declare as follows:

1 1. I am over the age of 18 and mentally competent. Except where stated on information
2 and belief, I have personal knowledge of the facts in this matter and if called upon to testify, could
3 and would do so.

4 2. I make this declaration in support of the Plaintiffs' Motion to Consolidate Related
5 Proceedings and Establish Combined Briefing Schedule, or, in the Alternative, to Strike Unserved
6 Pleadings ("Motion").

7 3. All defined terms herein, unless otherwise noted, shall have the meanings ascribed
8 to them in the Motion.

9 4. I am counsel of record for Plaintiffs United Natural Foods, Inc., and United Natural
10 Foods West, Inc. (together, "UNFI") in the above-captioned adversary proceeding ("AVP").

11 5. I am an attorney licensed to practice law in the State of California and in the District
12 of Columbia, and I have been admitted to practice and appear *pro hac vice* in the U.S. Bankruptcy
13 Court for the District of Nevada in connection with the AVP.

14 6. On or about August 16, 2023, I contacted the clerk's office for the Bankruptcy Court
15 ("Clerk's Office") to inquire as to whether the Sentinel Motion had yet been docketed in the District
16 Court, given that the Sentinel Transmittal appeared only to refer to a previous, unrelated motion to
17 withdraw the bankruptcy reference. The representative of the Clerk's Office informed me that the
18 case number set forth in the Sentinel Transmittal was, as suggested, merely a reference to previous
19 withdrawal of the reference motions filed in connection with the Main Case, and that a subsequent
20 notice would be entered in the AVP when a District Court case number was assigned to the Sentinel
21 Motion.

22 7. On or about September 28, 2023, counsel for Liberty sent an email ("September 28
23 Email") notifying UNFI that the Liberty Motion had been docketed in the district Court and
24 attaching courtesy copies of the Liberty Motion as docketed (which reflected that the Liberty
25 Proceeding had been assigned to the case number 23-cv-00756). The September 28 Email was the
26 first indication that the Sentinel and Liberty Motions had been docketed in the District Court without
27 a corresponding entry in the Bankruptcy Court or any other notice being provided to UNFI.

28 8. On information and belief, other than the September 28 Email, UNFI received no

1 formal or informal notice regarding the pendency of the Sentinel and Liberty Proceedings.

2 9. On information and belief, UNFI has not been formally served with the Sentinel or
3 Liberty Motions, as docketed in the District Court.

4 10. On or about October 2, 2023, counsel for UNFI reached out to counsel for Liberty to
5 inquire as to whether the latter was amenable to entering a three-way stipulation with Sentinel to
6 consolidate the briefing for the Liberty and Sentinel Motions, but UNFI has not received a response.

7 I declare under penalty of perjury under the laws of the United States that the foregoing is
8 true and correct.

9 DATED: October 5, 2023

10

11

/s/ Joshua Q. Jamieson

12

Joshua Q. Jamieson

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14

CERTIFICATE OF SERVICE

15

I hereby certify this document filed through the ECF system was sent electronically to the
16 registered participants as identified on the Notice of Electronic Filing (NEF), (2) was sent by email
17 to Jason A. Benkner at jenkner@pooleshaffery.com; Bart K. Larsen at blarsen@shea.law; Louis
18 M. Buballa III at lbubala@kcnvlaw.com; and Daniel B. Heidtke at dbheidtke@duanemorris.com;
19 and (3) was sent by first-class mail to the following parties on October 5, 2023.

20

/s/ Gidget Kelsey

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22 Sentinel Insurance Company, Limited
23 c/o Louis M. Bubala, III
24 Kaempfer Crowell
25 50 W. Liberty St., Ste 700
26 Reno, NV 89501

27

28

1 Ohio Security Insurance Company;
2 Peerless Indemnity Insurance Company;
3 West American Insurance Company;
4 c/o Dominica C. Anderson
100 North City Parkway, Suite 1560
Las Vegas, NV 89106

5 Great American Insurance Group
c/o Bart K. Larsen
6 Shea Larsen PC
7 1731 Village Ctr Cr, Ste 150
Las Vegas, NV 89134

8 Real Water of Tennessee, LLC
9 c/o Jason A. Benkner
Poole Shaffery, LLP
10 25350 Magic Mountain Parkway
2nd Floor
11 Santa Clarita, CA 91355

12 AFFINITYLIFESTYLES.COM, INC.
13 Real Water, Inc.
14 Real Water of Tennessee, LLC
c/o Brent Jones
15 18603 Legend Oaks Dr.
Magnolia, TX 77355

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